

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA**

COURTNEIGH BECKHAM,

Plaintiff,

v.

DOCKET NO. 1:22cv-00163
JURY DEMANDED

DAYTON FREIGHT LINES, INC.,

Defendant.

NOTICE OF REMOVAL

COMES NOW Defendant Dayton Freight Lines, Inc. ("Dayton Freight"), by and through its counsel, and files this Notice of Removal based upon the following:

1. On May 17, 2022, Plaintiff commenced a civil action in the Circuit Court for Marion County, Tennessee styled *Courtneigh Beckham v. Dayton Freight Lines, Inc.*, Marion County Circuit Court No. 22922. A copy of Plaintiff's Complaint is attached hereto as **Exhibit A**.
2. On May 23, 2022, Plaintiff effected service of process on Dayton Freight by serving its registered agent for service of process with a copy of the Summons and Complaint.
3. Therefore, it has been less than thirty (30) days since Dayton Freight was served with the Summons and Complaint.
4. On June 20, 2022, after service had been effected on Dayton Freight, Plaintiff filed an Amended Complaint, which increased the ad damnum to \$250,000. A copy of Plaintiff's Amended Complaint is attached as **Exhibit B**.

4. As alleged in the Amended Complaint,¹ Plaintiff Courtneigh Beckham is an adult resident citizen of the state of Tennessee, residing in Marion County, Tennessee. Exh. B at ¶ 1.

5. As alleged in the Amended Complaint, Defendant Dayton Freight is a foreign corporation organized under the laws of Ohio. Exh. B at ¶ 2. The Secretary of State indicates that Dayton Freight's principal place of business is located in Dayton, Ohio. Accordingly, Dayton Freight is a citizen of the state of Ohio for purposes of diversity of citizenship jurisdiction. 28 U.S.C. § 1332(c)(1).

6. Therefore, based on the foregoing, there is complete diversity of citizenship as between Plaintiff and Defendant.

7. As alleged in the Amended Complaint, the amount in controversy exceeds the sum of \$75,000 exclusive of interest and costs. Specifically, Plaintiff prays for an award of \$250,000 for alleged damages, exclusive of interest and costs. Exh. B at Prayer for Relief.

8. Accordingly, the Complaint is removable pursuant to 28 U.S.C. § 1441.

9. Venue is proper in this Court pursuant to 28 U.S.C. § 123(a)(3) because it is the "district and division embracing the place where such action is pending." 28 U.S.C. § 1441(a).

10. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon counsel for Plaintiff in the manner set forth in the Certificate of Service, and a copy is being filed with the Clerk of the Circuit Court for Marion County, Tennessee.

¹ Defendant Dayton Freight restates the referenced allegations in the Amended Complaint without prejudice to its right to Answer, assert defenses, or otherwise respond to the Amended Complaint or any of the allegations or claims for relief set forth in the Amended Complaint.

WHEREFORE, Defendant Dayton Freight Lines, Inc. respectfully removes this action, now pending in the Circuit Court for Marion County, Tennessee to the United States District Court for the Eastern District of Tennessee at Chattanooga pursuant to 28 U.S.C. § 1446.

Respectfully submitted,

/s/ Andrew Gardella

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*Attorneys for Defendant Dayton Freight
Lines, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the foregoing counsel on this the 22nd day of June, 2022 via electronic mail and via First Class U.S. Mail, postage prepaid:

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/s/ Andrew Gardella